

**DENTISTRY EXAMINING BOARD  
MINUTES  
SEPTEMBER 2, 2009**

**PRESENT:** Lori Barbeau, DDS; Blane Christman, DDS; John Grignon, DDS; Carol Howard; Adriana Jaramillo, DDS; Sandra Linhart, RDH; Kirk Ritchie, DDS; Nancy J. Rublee, RDH; William Stempski, DDS

**EXCUSED:** Linda Bohacek, RDH

**STAFF PRESENT:** Tom Ryan, Bureau Director; Ruby Jefferson-Moore, Legal Counsel; Kimberly Wood, Bureau Assistant; and other DRL staff

**GUESTS:** Steven R. Sewall, Wisconsin Society of Oral and Maxillofacial Surgeons (WSOMS); Jeffery B. Davis, WSOMS; Mark Paget, Wisconsin Dental Association (WDA); Peter Theo, Wisconsin Dental Hygienist Association (WDHA); Dr. Kent Vandehaar, WDA; Mara Brooks, WDA; Jennifer Kreider, WDHA; Melissa Deyo, WDHA; Debbie Schumacher, WDHA; Dr. Mohamed Harunani, WDA; Tom Petri, Wisconsin Primary Health Care Association (WPHCA); Matt Crespín, Children's Health Alliance of Wisconsin (CHAW); Lori Pelke, Midwest Dental; Lisa Bell, Department of Health Services (DHS); Midge Pfeffer

**CALL TO ORDER**

Lori Barbeau, Board Chair, called the meeting to order at 8:37 a.m. There was a quorum of nine (9) members present.

**PLEDGE OF ALLEGIANCE**

The Board Members, staff and guests rose and recited the Pledge of Allegiance.

**APPROVAL OF AGENDA**

**Amendments to the Agenda:**

- Item "B" (open session) **ADD:** Additional documentation to be provided in correlation with Definition of Dentistry and Specialty Licensure Committee recommendations
- After Item "B" (open session) **REMOVE:** Elections and Board Appointments for 2010 (*as noticed on the Department's website*)
- After Item "B" (open session) **ADD:** Presentation of Proposed Petition for Summary Suspension Received After Preparation of the Agenda, Glenn T. Maihofer 09 DEN 082 – Appearance 8:45 a.m.
- After Item "H" (open session) **ADD:** Continuing Education Rule Drafting
  - Rule Draft – Chapters DE 2 – DE 13
  - Email Correspondence – CME applicability between professions

- Between Items “H & I” (open session) **ADD:** Impaired Professional Procedure (IPP) Taskforce Recommendations as of June 19, 2009 – Discussion (Sharon Henes to appear)
- Item “N” (closed session) **REMOVE:** Request for Waiver of Continuing Education Requirements – G.P.
- After Item “O” (closed session) **ADD:** Deliberation of Proposed Decision Received After Preparation of the Agenda – Maurisa Coran, RDH, LS0901211DEN
- After Item “O” (closed session) **ADD:** Deliberation of Proposed Petition for Summary Suspension Received After Preparation of the Agenda – Glenn T. Maihofer 09 DEN 082
- After Item “O” (closed session) Request for Continuing Education Wavier for S.A.

**MOTION:** Nancy Rublee moved, seconded by John Grignon, to approve the agenda of September 2, 2009 as amended. Motion carried unanimously.

### **APPROVAL OF MINUTES OF MAY 6, 2009**

#### **Amendments to the Minutes:**

- Page 1 of the Minutes: Under “Excused” Correct as Follows: Kirk ~~Richie~~ **Ritchie**
- Page 1 of the Minutes: Under “Guests” Correct as Follows: Rickin ~~Vibhaizer~~ **Vibhakar**
- Page 2 of the Minutes: Under “Impaired Professionals Procedure Task Force Committee”, correct the last part of the third sentence to read: The Task Force strongly recommends that the program remain in-house and **at** DRL.
- Page 2 of the Minutes: Under “Marquette University School of Dentistry Visits” Add as first sentence: Lori Barbeau spoke to students at Marquette University School of Dentistry in April and in June.
- Page 3 of the Minutes: Under “Central Regional Dental Testing Examination (CRDTS) Annual Meeting Invitation – Board Review” change the following:
  - Correct the last part of the first sentence to read: “...CRDTS annual meeting ~~in~~ **on** August, ~~27-29~~, 2009.”
  - In the motion correlated with this topic change: ~~Blain~~ **Blane** Christman
- Page 4 of the Minutes: Under “Discussion of Regional Clinical Examinations and Consideration of Examinations Recognized by the Board”, correct as follows: ...both dentists and dental hygienists **s** with the Board.
- Page 5 of the Minutes: Under “Regulatory Digest” correct to read: Linda Bohacek distributed a survey ~~of for~~ **to complete regarding their** Board Members views on what should be included in the Regulatory Digest.
- Page 7 of the Minutes: Under “Application Reviews – Nahora Meza” add wording to the motion as follows: ... issue a **(faculty)** license to Nahora Meza when all requirements are met.

**MOTION:** Nancy Rublee moved, seconded by Sandra Linhart, to approve the July 1, 2009 minutes as amended. Motion carried unanimously.

**PRESENTATION OF PROPOSED PETITIONS FOR SUMMARY SUSPENSION  
RECEIVED IN THE BUREAU AFTER PREPARATION OF THE AGENDA**

Jack Zwieg, DOE Attorney, and Glenn Maihofer, DDS with Attorney Michael Fitzgerald, appeared before the Board.

**PRESENTATION OF PROPOSED DECISIONS RECEIVED IN THE BUREAU AFTER  
PREPARATION OF THE AGENDA**

No presentation was given for the proposed decision in the matter of Maurisa Coran.

**ADMINISTRATIVE REPORT**

The Board was advised that the Department will be conducting a Board Chair Training on December 4, 2009 that will be preceded by a reception on December 3, 2009. Board Chairs and Vice Chairs will be asked to attend this training. In order to identify attendees for this training the Department has asked that all Boards conduct elections in the fall of 2009. The Board will hold elections at its November meeting in the hopes of having full Board attendance. The leadership elected at this meeting will not assume official roles until after January 1, 2010.

Tom Ryan noted that a Case Advisor Training will be held by the Division of Enforcement on September 9, 2009.

**DRL Outreach Event – Marquette University Student Union – September 25, 2009**

Tom Ryan discussed the status of an effort to coordinate a DRL Outreach Event that is being planned for September 25, 2009 at Marquette University. Tom Ryan requested that Board members wishing to attend the outreach event notify him of their attendance so that proper noticing requirements are met. The intent to hold future outreach events was noted.

**MOTION:** Blane Christman moved, seconded by Adriana Jaramillo, to authorize Lori Barbeau and Nancy Rublee to represent the Board at the DRL Outreach event to be held at Marquette University Student Union on September 25, 2009. Motion carried unanimously.

**Off-site Meeting in 2010**

It was noted there is nothing to report at this time but information will be provided at a later date.

**THE ROLE OF DENTISTS IN TOBACCO CESSATION COUNSELING  
LEGAL COUNSEL OPINION**

Ruby Jefferson-Moore presented to the Board her legal opinion that tobacco cessation counseling is within the scope of practice of dentistry as it relates to the diagnosis and treatment of dental disease. Attorney Jefferson-Moore indicated that tobacco cessation is a practice supportable by existing rules but made two recommendations:

1. The Board was advised to include language regarding tobacco cessation to the legislative request to be submitted by the Board in order to establish this practice in statute.
2. Should the Board choose not to include language relative to tobacco cessation in statute, it was indicated that they should pursue administrative rule writing to outline scope and to clarify any mandated educational requirements.

Board discussion of scope relating to dentists in tobacco cessation ensued. Ruby Jefferson-Moore indicated that she will provide a written opinion for the Board at a future meeting.

### **PROPOSAL REGARDING ACCEPTANCE OF WESTERN REGIONAL CLINICAL EXAMINATION (WREB) – KAREN RUDE-EVANS, DIVISION OF CREDENTIALING**

The Board reviewed a proposal made by Karen Rude-Evans, Credentialing Specialist, regarding the acceptance of the WREB. At a previous meeting the Board voted to accept all five (5) of the regional exams, back dating to January 1, 2009, as meeting the national examination requirement for licensure. Consideration of whether to accept applicants that took the WREB between December 1, 2005 and December 31, 2008 was requested. At a prior meeting the Board voted to accept all five (5) of the regional exams, back dating to January 1, 2009, as meeting the national examination requirement for licensure. The Board discussed the history of exam acceptance and indicated that applicants that complete the WREB between December 1, 2005 and December 30, 2009 should still be required to take parts I and III of ADEX in order to meet licensure requirements.

### **DEFINITION OF DENTISTRY AND SPECIALTY LICENSING REPORT AND COMMITTEE RECOMMENDATIONS – BOARD REVIEW AND DISCUSSION**

Blane Christman, Committee Chair, discussed the Dentistry and Specialty Licensure Committee recommendations with the Board. Steven Sewall, Wisconsin Society of Oral and Maxillofacial Surgeons (WSOMS), was invited to provide comments to the Board. A handout, Colorado Senate Bill 09-129, concerning the duties that may be performed by a dental hygienist, was distributed by Blane Christman. Nancy Rublee then provided proposed revisions relating to dental hygiene practice. The Board discussed some of the recommendations and provided feedback to the Committee. Nancy Rublee will revise recommendations based upon Board discussion and provide plain language analysis to the Board at its November meeting.

### **VARIOUS PROVISIONS RELATING TO LICENSING OF DENTISTS RULE DRAFTING**

#### **Wis. Admin. Code § DEN 2.04, Relating to Licensure of Foreign Trained Dentists – Review for Adoption**

Ruby Jefferson-Moore reviewed CR09-007 with the Board and advised that final adoption is necessary.

**MOTION:** Nancy Rublee moved, seconded by Adriana Jaramillo, to adopt CR 09-007 relating to the licensure of foreign trained dentists. Motion carried unanimously.

## **SUMMARY REPORTS ON ADMINISTRATIVE RULES AND LEGISLATION**

Noted.

## **FREQUENTLY ASKED QUESTIONS REVIEW PROJECT – DISCUSSION**

The Board reviewed a memo from Ben Hanes, Megan Hummel and Rebecca McAtee, Student Interns – Division of Board Services, relating to a Department project to improve its approach to practice questions. The Board was advised that the Department is working to address the high volume of incoming practice questions by creating and maintaining an improved practice question webpage. This new webpage will feature a listing of frequently asked practice questions, resources for answering questions relating to practice such as links to code and statute and will incorporate a routing feature to properly direct questions to Department staff once other options have been exhausted. The memo provided contact information and requested suggestions from the Board regarding the content to be displayed on a new frequently asked practice question webpage.

The Board discussed the issue of practice questions and the potential need for members of the Board to act as liaison(s) to work with the Department to answer incoming practice questions. It was decided that Board's leadership will assume the task of reviewing practice questions with responses returned to Department staff.

## **REQUEST FOR CONSIDERATION AS CRDTS DENTAL HYGIENE EXAMINER CARRIE STEMPSKI, RDH**

The Board reviewed the application of Carrie Stempski, RDH, to become a CRDTS dental hygiene examiner as well as her curriculum vitae.

**MOTION:** Nancy Rublee moved, seconded by Blane Christman, to endorse Carrie Stempski, RDH, as a CRDTS dental hygiene examiner. Motion carried.  
Abstained: William Stempski

*(Dr. Stempski abstained from voting and discussion of this request.)*

## **CRDTS REPORT**

William Stempski informed the Board that he is no longer able to act as the Board's representative to the CRDTS Steering Committee and for ADEX and requested that the Board appoint a new representative to fill this role. It was recommended that the new representative should be an active examiner and indicated that they should attend the CRDTS Steering Committee meeting in November. William Stempski provided an overview of the responsibility

of the individual that is the CRDTS representative. Blane Christman was recommended as the Board's representation to CRDTS and ADEX, and he accepted the appointment.

The members of the Board that attended CRDTS reported about the annual meeting. CRDTS has indicated that it intends to fund travel for all members of the Board again next year. The Board noted that CRDTS has eliminated the written portion of its exam replacing this piece with part one and part two of the national board written examination.

Tom Ryan noted that he had received an e-mail from Linda Bohacek regarding her nomination of Cathy Martin to act as Wisconsin's RDH representative to the CRDTS Examination Review Committee (ERC). This correspondence noted that the ERC representative would need to be selected prior to the CRDTS annual meeting. The Board requested that Tom Ryan investigate any requirements or qualifications or responsibilities of an ERC representative. The Board will use this information to select both a Dental and a Dental Hygiene ERC representative for the State of Wisconsin.

**MOTION:** Adriana Jaramillo moved, seconded by John Grignon, to approve Blane Christman as the Board's representative on the CRDTS Steering Committee, and as its ADEX representative. Motion carried unanimously.

### **ADEX REPORT**

As stated during the CRDTS report William Stempiski has resigned his position as the Board's representative to the CRDTS Steering Committee and as its representative to ADEX. William Stempiski indicated that there was nothing else to report.

### **CONTINUING EDUCATION RULE DRAFTING**

The Board reviewed an initial rule draft (newly created – chapter 13) which was provided to the Board as an electronic copy by e-mail prior to the meeting. Ruby Jefferson-Moore distributed a revised copy of the draft, which was corrected from what the Board received via e-mail, and outlined the changes made for the Board's benefit. The Board went on to review and discuss the rule draft in its entirety. Ruby Jefferson-Moore advised the Board that they may wish to incorporate changes to DE 2 regarding requirements to obtain continuing education hours, to complete cardio pulmonary resuscitation (CPR), to add the requirement for planned proficiency in the use of automated external defibrillators (AED) and to provide clarification regarding the waiver of continuing education requirements for the first renewal. Discussion of definitions to be used and the amount of credit received by licensees for completing continuing education courses ensued. Members of the audience provided insight regarding the process for approval of continuing education.

Information on the continuing education requirements of surrounding states was requested for review at a future meeting. The Board indicated its interest in obtaining feedback from those in attendance at today's meeting regarding approval of continuing education providers and/or courses.

**Continuing Education Questions – Review of Correspondence received from Dr. Richard Wagner**

The Board reviewed a question from Dr. Richard Wagner regarding continuing education coursework relating to the practice of medicine and its applicability for meeting the dentistry renewal requirements. The Board supported that the utilization of medical continuing education may be appropriate to meet the renewal requirement for dentistry practice as outlined in § 447.056 (1).

**IMPAIRED PROFESSIONAL PROCEDURE (IPP) TASKFORCE  
RECOMMENDATIONS – DISCUSSION**

Sharon Henes, Department Monitor, appeared before the Board to review and discuss the recommendations submitted to Secretary Jackson by the IPP Task Force. The IPP Task Force was convened by Secretary Jackson to conduct a review of the Impaired Professional Procedure and to identify methods to improve the existing process. The Secretary is requesting feedback from boards under the purview of the Department regarding the recommendations which have been made. It was noted that an implementation committee is being organized to begin facilitating changes to the IPP program and will be convened prior to the end of this year. The Board was also informed that the Department plans to institute training for Board members regarding IPP protocol.

**REGULATORY DIGEST – REVIEW OF SURVEY RESULTS**

Board members were informed that if they have not submitted a completed survey they should do so right away and provide the survey to Linda Bohacek. A report on the Digest survey will be given in November.

**LEGISLATIVE REPORT**

Blane Christman indicated that he has nothing to report.

**PRACTICE QUESTIONS RECEIVED IN THE BUREAU AFTER  
PREPARATION OF THE AGENDA**

None.

**TRAVEL REQUESTS RECEIVED IN THE BUREAU AFTER  
PREPARATION OF THE AGENDA**

None.

**INFORMATIONAL ITEMS**

Lori Barbeau directed the Board's attention to the informational item contained in the meeting packet regarding AADE's course availability. AADE asked that this information be distributed

to the Board noting that it has many courses available for a variety of needs. It was requested that Blane Christman obtain a current listing of available courses while in attendance at the AADE Annual Meeting.

### **PUBLIC COMMENTS**

None.

### **CLOSED SESSION**

**MOTION:** Carol Howard moved, seconded by Nancy Rublee, to convene to Closed Session to deliberate on cases following hearing (Wis. Stat. § 19.85(1)(a)), to consider licensure or discipline (Wis. Stat. § 19.85(1)(b)), to consider individual histories or disciplinary data (Wis. Stat. § 19.85(1)(f)), and, to confer with legal counsel (Wis. Stat. § 19.85(1)(g)). Motion carried by roll call vote: Lori Barbeau-yes; Blane Christman-yes; John Grignon-yes; Carol Howard-yes; Adriana Jaramillo-yes; Sandra Linhart-yes; Kirk Ritchie-yes; Nancy Rublee-yes; William Stempiski-yes. Motion carried unanimously.

Open Session recessed at 1:37 p.m.

### **RECONVENE TO OPEN SESSION**

**MOTION:** Adriana Jaramillo moved, seconded by John Grignon, to reconvene into open session. Motion carried unanimously.

The Board reconvened into open session at 4:04 p.m.

### **DELIBERATION OF PROPOSED STIPULATIONS**

#### **DANA LUBET, DMD**

#### **(05 DEN 065)**

**MOTION:** Nancy Rublee moved, seconded by Adriana Jaramillo, to accept the Findings of Fact, Conclusions of Law, Stipulation and Order in the matter of disciplinary proceedings against **Dana Lubet, DMD (05 DEN 065)**. Motion carried unanimously.

*(A typographical error was corrected on page two (2) of the stipulation for Dana Lubet, DMD, paragraph six (6): The date was changed from November 13, 1988 to November 13 1998.)*



**WILLIAM BETHKE, DDS  
(05 DEN 116)**

**MOTION:** Carol Howard moved, seconded by John Grignon, to accept the Findings of Fact, Conclusions of Law, Stipulation and Order in the matter of disciplinary proceedings against **William Bethke, DDS (05 DEN 116)**. Motion carried unanimously.

**BRIJESH M. PATEL, DDS  
(09 DEN 043)**

**MOTION:** Blane Christman moved, seconded by John Grignon, to accept the Findings of Fact, Conclusions of Law, Stipulation and Order in the matter of disciplinary proceedings against **Brijesh M. Patel, DDS (09 DEN 043)**. Motion carried unanimously.

**THOMAS ANDERSON, DDS  
(05 DEN 109)**

**MOTION:** Adriana Jaramillo moved, seconded by Nancy Rublee, to accept the Findings of Fact, Conclusions of Law, Stipulation and Modified Order in the matter of disciplinary proceedings against **Thomas Anderson, DDS (05 DEN 109)**. Motion carried unanimously.

**REQUEST FOR WAIVER OF CONTINUING EDUCATION REQUIREMENTS**

**G.P.**

This item was removed from the agenda as the request was withdrawn.

**B.G.**

The Board deferred deliberation of this request until a future meeting in order to allow B.G. time to submit additional information requested by the Board.

**MONITORING**

None.

**Consulting with Legal Counsel**

Legal consultation was provided to the Board by Ruby Jefferson-Moore as needed throughout the course of closed session.

**DELIBERATION OF PROPOSED STIPULATIONS RECEIVED  
AFTER PREPARATION OF AGENDA**

None.

**DELIBERATION OF PROPOSED DECISIONS RECEIVED  
AFTER PREPARATION OF THE AGENDA**

**MAURISA CORAN, RDH  
(LS0901211DEN)**

The Board deferred deliberation of the matter concerning Maurisa Coran, RDH, LS0901211DEN and extended an invitation to the respondent and prosecuting attorney to present oral arguments in November.

*(William Stempksi, Kirk Ritchie, and Sandra Linhart left the room for deliberation in the matter concerning Maurisa Coran, RDH, LS0901211DEN)*

**DELIBERATION OF PROPOSED SUMMARY SUSPENSIONS RECEIVED  
AFTER PREPARATION OF THE AGENDA**

**GLENN T. MAIHOFFER, DDS  
09 DEN 082**

**MOTION:** Adriana Jaramillo moved to defer deliberation in the matter of disciplinary proceedings against **Glenn T. Maihofer, DDS, 09 DEN 082**, until November 4, 2009. Motion failed due to lack of a second.

**MOTION:** William Stempksi moved, seconded by Kirk Ritchie, to grant the petition for summary suspension on the basis that the respondent's conduct poses imminent danger to the public and to adopt the order of summary suspension in the matter of disciplinary proceedings against **Glenn T. Maihofer, DDS, 09 DEN 082**. Motion carried. Abstained: Carol Howard

**Division of Enforcement – Meeting with Individual Board Members**

Noted.

**DIVISION OF ENFORCEMENT  
CASE CLOSINGS/CASE STATUS REPORT**

**07 DEN 020**

**MOTION:** Adriana Jaramillo moved, seconded by John Grignon, to close case **07 DEN 020** for **insufficient evidence**. Motion carried unanimously.

**APPLICATION ISSUES RECEIVED AFTER PREPARATION OF THE AGENDA**

**Request for Waiver of Continuing Education Requirements – S.A.**

As there is no provision for a waiver of a continuing education requirement for dental hygienists this issue was deferred back to Office Education and Examinations for response.

**ADJOURNMENT**

**MOTION:** John Grignon moved, seconded by Adrianna Jaramillo, to adjourn.  
Motion carried unanimously.

The meeting adjourned at 4:10 p.m.